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August 10, 2005

Director of the U.S. Patent and Trademark Office
Attn. Refunds
2051 Jamieson Avenue, Suite 300
Alexandria, VA 22314

Via Facsimile
571-273-6500

Re: Deposit Account No. 501068

Dear Sir/Madam:

We're in receipt of the Monthly Statement of Account dated June 30, 2005. Please note that there are duplicate charges on the statement that are as follows:

Date Posted			Control No.	Description (Serial No.)	Docket No.	Fee Code	Charges
Mo.	Day	Yr.					
6	8	05	29	10736866	101.0089-02000	1801	790.00
6	8	05	30	10736866	101.0089-02000	1202	1300.00
6	8	05	31	10736866	101.0089-02000	1464	130.00

Our deposit account was charged twice on the June 2005 statement for these fees. A copy of the statement is attached for your reference.

Please refund our account immediately.

Thank you for your time and attention to this matter. Please contact us if you have any questions or require additional information.

Sincerely,

Julie Lindenlaub
Julie Lindenlaub
Administrator

/jcl
attachment

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6 27 05	418	0425909	102.0000 / -01000	002.00	00.0000	42.1200
AN AMOUNT SUFFICIENT TO COVER ALL SERVICES REQUESTED			OPENING BALANCE	TOTAL CHARGES	TOTAL CREDITS	CLOSING BALANCE
PAGE 1/1 * RCVD AT 8/10/2005 7:04:08 PM [Eastern Daylight Time] * SVR:USPTO-EFXRF-5/0 * DNIS:2736500 * CSID:3102862795 * DURATION (mm:ss):00:30						

08-10-05 04:19pm From-MARTIN & FERRARO LLP CA

3102862795

T-583 P.01/01 F-285

08-02-2005 19:48 From-MARTIN & FERRARO LLP

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T-022 P.002/003 F-187



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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MONTHLY STATEMENT
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To replenish your deposit account, detach and return top portion with your check. Make check payable to Director of Patents & Trademarks.

MARTIN & FERRARO
 THOMAS H MARTIN
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FINA

Account No.	501068
Date	6-30-05
Page	2

PLEASE SEND REMITTANCES TO:
 U. S. Patent and Trademark Office
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 Chicago, IL 60673

DATE POSTED D. DAY YR.	CONTROL NO.	DESCRIPTION (Serial, Patent, TM, Order)	DOCKET NO.	FEE CODE	CHARGES/ CREDITS	BALANCE
6 8 05	70	6349409	134.0005-09000	8021	40.00	35162.00
6 8 05	71	6188869	134.0005-00000	8021	40.00	35122.00
6 8 05	72	6343380	134.0005-00000	8021	40.00	35082.00
6 8 05	318	10322624	134.0005-00000	8021	40.00	35042.00
6 8 05	319	6347215	134.0005-00000	8021	40.00	35002.00
6 13 05	18	10736866	101.0089-02000	1464	130.00	34872.00
6 13 05	19	10736866	101.0089-02000	1801	790.00	34082.00
6 13 05	20	10736866	101.0089-02000	1202	1300.00	32782.00
6 14 05	29	10736866	101.0089-02000	1801	790.00	31992.00
6 14 05	30	10736866	101.0089-02000	1202	1300.00	30692.00
6 14 05	31	10736866	101.0089-02000	1464	130.00	30562.00
6 15 05	13	09947592	108.0007-000	1504	300.00	28862.00
6 15 05	68	10310522	101.0063-010	1202	1000.00	27862.00
6 15 05	69	10310522	101.0063-010	1252	450.00	27412.00
6 22 05	9	10703931	101.0077-01000	1801	790.00	26622.00
6 22 05	10	10703931	101.0077-01000	1253	570.00	26052.00
6 22 05	11	10703931	101.0077-01000	1202	350.00	25702.00
6 23 05	1	10444216	101.0063-02000	1202	150.00	25552.00
6 23 05	11	09921851	101.0085-020	1806	180.00	25372.00
6 23 05	15	10808852	101.0094-02000	1806	180.00	25192.00
6 23 05	19	09921844	101.0084-010	1806	180.00	25012.00
6 23 05	19	09947592	108.0007-00000	8021	40.00	24972.00
6 23 05	24	09947592	108.0007-00000	8021	40.00	24932.00
6 23 05	67	6139551	102.0012-01000	8021	40.00	24892.00
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6 23 05	71	6139551	102.0012-01000	8021	40.00	24812.00
6 23 05	75	5741253	102.0001-02004	8021	80.00	24732.00
6 23 05	262	10223916	102.0003-06007	8021	40.00	24692.00
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6 23 05	264	10638023	"	8021	40.00	24612.00
6 27 05	31	10746180	101.0166-01000	1806	180.00	24432.00
6 27 05	400	07698674	102.0001-01	8021	40.00	24392.00
6 27 05	401	5741253	102.0001-02	8021	40.00	24352.00
6 27 05	402	6224595	102.0001-04	8021	40.00	24312.00
6 27 05	418	0425989	102.0007-01000	8021	40.00	24272.00

AN AMOUNT SUFFICIENT TO	OPENING BALANCE	TOTAL CHARGES	TOTAL CREDITS	CLOSING BALANCE
PAGE 1/1 *RCVD AT 8/10/2005 7:04:41 PM [Eastern Daylight Time] *SVR:USPTO-EFXRF-5/0 *DNIS:2736500 *CSID:3102862795 *DURATION (mm:ss):00:42				

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PTO/SB/50 (04-02)

Approved for use through 07/31/2006. OMB 0651-0281

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no comments are required to respond to a collection of information unless it contains a valid OMB control number.

**Request
for
Continued Examination (RCE)
Transmittal**

Address to:
Mail Stop RCE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Application Number	10736868
Filing Date	December 16, 2003
First Named Inventor	Gary K. Michelson
Art Unit	3732
Examiner Name	Eduardo Robert
Attorney Docket Number	101.0089-02000

This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application. Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. See Instruction Sheet for RCEs (not to be submitted to the USPTO) on page 2.

1. **Submission required under 37 CFR 1.114** Note: If the RCE is proper, any previously filed unentered amendments and amendments enclosed with the RCE will be entered in the order in which they were filed unless applicant instructs otherwise. If applicant does not wish to have any previously filed unentered amendment(s) entered, applicant must request non-entry of such amendment(s).

- a. Previously submitted. If a final Office action is outstanding, any amendments filed after the final Office action may be considered as a submission even if this box is not checked.

- i. Consider the arguments in the Appeal Brief or Reply Brief previously filed on _____
ii. Other _____

- b. Enclosed

- i. Amendment/Réply
ii. Affidavit(s)/Declaration(s) iii. Information Disclosure Statements (IDS)
iv. Other _____ Petition to Withdraw From Issue _____

2. **Miscellaneous**

Suspension of action on the above-identified application is requested under 37 CFR 1.103(c) for a

- a. period of _____ months. (Period of suspension shall not exceed 3 months; Fee under 37 CFR 1.17(d) required)
b. Other _____

3. **Fees**

The RCE fee under 37 CFR 1.17(e) is required by 37 CFR 1.114 when the RCE is filed.

- a. The Director is hereby authorized to charge the following fees, any underpayment or fees, or credit any overpayments, to Deposit Account No. 50-1068 I have enclosed a duplicate copy of this sheet.

06/14/2005 CCKAU1 00000016 501068 10736868

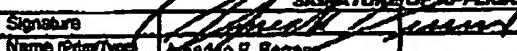
- i. RCE fee required under 37 CFR 1.17(e)
ii. Extension of time fee (37 CFR 1.136 and 1.17) 01 FC:1801 790.00 DA
iii. Other additional claims fee as indicated in the attached Transmittal Form 02 FC:1202 1300.00 DA

- b. Check in the amount of \$ _____ enclosed

- c. Payment by credit card (Form PTO-2038 enclosed)

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Signature		Date	June 9, 2005
Name (Print/Type)	Arnoldo P. Perez	Registration No.	37,128

CERTIFICATE OF MAILING OR TRANSMISSION

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 or transmitted to the U.S. Patent and Trademark Office on the date shown below.

Signature 

Name (Print/Type)	Sandra L. Stiglman	Date	June 9, 2005
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This collection of information is required by 37 CFR 1.114. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and transmitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 7-800-PTO-8199 and select option 2.

PAGE 5/19 * RCVD AT 6/9/2005 8:59:12 PM [Eastern Daylight Time] * SVR:USPTO-EFXRF-1/0 * DNR:8729306 * CSID:3308772030 * DURATION (mm:ss):05:28

Adjustment date: 09/28/2005 SDIRETA1
06/14/2005 CCKAU1 00000016 501068 10736868
01 FC:1801 790.00 CR
02 FC:1202 1300.00 CR

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PATENT
 Attorney Docket No. 101.0089-02000
 Customer No. 22882

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:
 Gary K. Michelson
 Serial No.: 10/738,868
 Filed: December 18, 2003
 For: BONE HEMI-LUMBAR INTERBODY
 SPINAL FUSION IMPLANT HAVING
 AN ASYMMETRICAL LEADING
 END AND METHOD OF
 INSTALLATION THEREOF

) Confirmation No.: 9083
) Group Art Unit: 3732
) Examiner: Eduardo Robert

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 JUN - 9 2005

Mail Stop 313(c)
 Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450

Dear Sir:

PETITION TO WITHDRAW FROM ISSUE UNDER 37 C.F.R. § 1.313(C)(2)

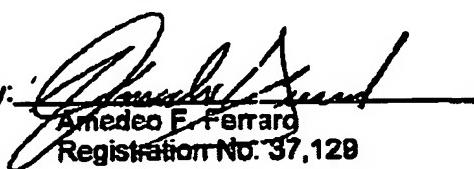
Applicant hereby petitions for the withdrawal of this application from issue. The issue fee for this case was paid on March 3, 2005.

The reason for the request for withdrawal from issue is to permit consideration of a Request for Continued Examination (RCE) in compliance with 37 CFR § 1.114.

The petition fee in the amount of \$130.00 (37 C.F.R. § 1.17(h)) is submitted herewith. If there are any additional fees due in connection with the filing of this Petition, please charge the fee to our Deposit Account 50-1068.

Respectfully submitted,

MARTIN & FERRARO LLP

By: 
 Amadeo F. Ferraro
 Registration No. 37,129

Date: June 9, 2005

1557 Lake O'Pines Street, NE
 Hartville, Ohio 44632
 Telephone: (330) 877-0700
 Facsimile: (330) 877-2030

06/14/2005 CCBAU 00000016 501068 10736866
 03 FC:1464 130.00 DA
 Adjustment date: 09/28/2005 SDTRETAL1
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 03 FC:1464 130.00 CR

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